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**Pro hac vice* motions forthcoming

Counsel for Amici Curiae

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

OREGON FIREARMS FEDERATION, INC.
an Oregon public benefit corporation; BRAD
LOHREY, SHERMAN COUNTY SHERIFF;
and ADAM JOHNSON, an individual,

Plaintiffs,

v.

KATE BROWN, GOVERNOR OF THE
STATE OF OREGON, in her official capacity;
and ELLEN ROSENBLUM, ATTORNEY
GENERAL OF THE STATE OF OREGON,
in her official capacity,

Defendants.

Civil No. 2:22-cv-01815-IM

**GUN OWNERS OF AMERICA, INC.’s
AND GUN OWNERS FOUNDATION’S
MOTION FOR LEAVE TO FILE BRIEF
AS *AMICI CURIAE***

LR 7-1(a) CERTIFICATION

By and through counsel, *amici curiae* Gun Owners of America, Inc. (“GOA”) and Gun Owners Foundation (“GOF”) have conferred with both parties regarding this motion. Defendants have objected to the filing of the amicus brief as untimely. Plaintiffs consent to this motion and to the filing of the attached amicus brief.

MOTION

Amici, GOA and GOF, seek leave to file the attached *amici curiae* brief in support of Plaintiffs’ pending motion for a preliminary injunction. For the reasons stated in the attached brief, *amici* agree that the preliminary injunction should be granted, as required by the Supreme Court’s recent decision in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S. Ct. 2111, 2156 (2022), and consistent with recent decisions by other federal courts after *Bruen*.

Amici are nationwide organizations at the forefront of litigation implicating the Second Amendment rights of Oregonians and citizens nationwide. The legal ramifications of this suit extend well beyond the named plaintiffs and into the lives of all in Oregon, many of whom are members of GOA. Whether the organizations’ members in Oregon will be permitted to continue to exercise their fundamental right to self-defense hangs in the balance in this lawsuit. For these reasons, GOA and GOF should be permitted to file the attached *amici curiae* brief. *See Wagafe v. Biden*, No. 17-cv-95-LK, 2022 WL 457983, at *1-2 (W.D. Wash. Feb. 15, 2022) (“Amicus briefs are frequently welcome concerning legal issues that have potential ramifications beyond the parties directly involved.” (cleaned up)); *California v. United States Dep’t of Lab.*, No. 2:13-CV-2069-KJM-DAD, 2014 WL12691095, at *1 (E.D. Cal. Jan. 14, 2014) (same); *id.* (“Given the public employment and constitutional issues implicated in the instant case, the court finds that this case has ‘potential ramifications beyond the parties directly involved.’”); *see also Miller-Wohl Co. v. Comm’r of Labor & Indus. State of Mont.*, 694 F.2d 203, 204 (9th Cir. 1982) (describing the “classic role” of an *amici* as “assisting in a case of general public

interest, supplementing the efforts of counsel, and drawing the court's attention to law that escaped consideration”).

Defendants have objected to the filing of the attached brief as untimely. *Amici* have filed their proposed brief with all deliberate speed, consistent with the expedited schedule put in place just days ago. Plaintiffs filed a motion for a preliminary injunction last week. On Thanksgiving, this Court set a briefing schedule for the motion. Yesterday, *amici* retained counsel for the filing of the brief. And today, *amici* seek leave to file the brief—seven days after Plaintiffs filed their motion, the same day as Defendants’ brief, and in advance of the preliminary injunction hearing. There is no basis for denying the motion as untimely. *See Wagafe*, 2022 WL 457983, at *1-2 (rejecting similar timeliness argument).

CONCLUSION

For the foregoing reasons, this Court should grant the motion for leave to file the attached *amici curiae* brief.

Dated: November 30, 2022

s/ Tyler Smith

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Respectfully submitted,

s/ Thomas R. McCarthy

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CERTIFICATE OF SERVICE

I e-filed this brief with the Court, which will email everyone requiring service.

Dated: November 30, 2022

s/ Tyler Smith